

Rules 6.15, 6.58, 6.180, 6.181, 6.182, and 6.183 would be added to the California Rules of Court, effective immediately to read:

Rule 6.15. Interim Court Facilities Panel

(a) [Intent] The Trial Court Facilities Act of 2002 and the related laws involving appellate court facilities places new responsibilities on the Judicial Council, the Administrative Office of the Courts, and the courts concerning court facilities. The Interim Court Facilities Panel must assist the council on an interim basis in its responsibilities for court facilities. The council intends that as of July 1, 2007, these responsibilities will be handled by the Executive and Planning Committee.

(b) [Responsibility] The Interim Court Facilities Panel must review and consult with the Administrative Office of the Courts on matters concerning court facilities and review proposals concerning court facilities before they are considered by the Judicial Council. These matters include, but are not limited to:

- (1) Policies, procedures, and guidelines concerning court facilities;
- (2) Annual appellate and trial court facilities operation and maintenance proposals;
- (3) Annual appellate and trial court facilities capital outlay proposals;
- (4) Modifications to the facilities master plans and the Five-Year Capital Infrastructure Plan;
- (5) Site selection for any new court facility;
- (6) Preliminary plans, including cost estimates and schedules, for any new court facility; and
- (7) Requests for augmentation of the budget for any major capital outlay court construction project (i.e., new construction or renovation over \$400,000) to the extent the total changes exceed 20% of the budget amount.

(c) [Long-term governance structure] Before June 30, 2007, the panel must recommend to the Judicial Council, after consultation with the Court Facilities

1 Transitional Task Force and the Administrative Office of the Courts, an
2 appropriate long-term structure for court facilities governance.

3
4 (d) [Membership] The Interim Court Facilities Panel consists of at least two trial
5 court judges, one appellate court justice, and two court judicial administrators,
6 appointed by the Chief Justice from the members of the Judicial Council. At
7 least one member must be a member of each of the council's other internal
8 committees.

9
10 (e) [Applicability of rule 6.10] Except as otherwise specifically provided in this
11 rule, rule 6.10 applies to this panel.

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13 (f) [Repeal] This rule is repealed effective June 30, 2007.

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16 **Rule 6.58. Court Facilities Transitional Task Force**

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18 (a) [Purpose] The Court Facilities Transitional Task Force provides advice and
19 recommendations to the Administrative Office of the Courts on issues
20 involving appellate and trial court facilities including, but not limited to, the
21 following:

22
23 (1) Acquisition, construction, and design of appellate and trial court facilities;

24
25 (2) Maintenance and operation of appellate and trial court facilities;

26
27 (3) Transfer of authority for trial court facilities from the counties to the state;
28 and

29
30 (4) Recommended policies and procedures involving court facilities.

31
32 **(b) [Membership]**

33
34 (1) The task force consists of at least one member from each of the following
35 categories, appointed by the Chief Justice, for a term expiring June 30,
36 2007:

37
38 (i) Appellate court justice;

39
40 (ii) Trial court judicial officer;

41
42 (iii) Appellate court judicial administrator;

1 (iv) Trial court judicial administrator; and

2
3 (v) Member of the State Bar of California

4
5 (2) The task force may also include one or more of the following:

6
7 (i) A member of the public;

8
9 (ii) An architect; and

10
11 (iii) An engineering or construction industry professional

12
13 (3) The Administrative Director of the Courts may appoint one or more non-
14 voting, advisory members to the task force.

15
16 (4) The Chief Justice may fill any vacancies in the voting membership of the
17 task force.

18
19 (5) The provisions of rule 6.32 apply to the nominations and appointments to
20 the task force.

21
22 (c) [Repeal date] This rule is repealed effective June 30, 2007.

23
24
25 **Rule 6.180. Court facilities policies, procedures, and guidelines**

26
27 The Administrative Office of the Courts, after consultation with the Court Facilities
28 Transitional Task Force, must prepare and present to the Judicial Council
29 recommendations for policies, procedures, and guidelines concerning the operation,
30 maintainance, alteration, remodeling, renovation, expansion, acquisition, design,
31 and construction of appellate and trial court facilities under Government Code
32 sections 69204(c) and 70391(e). The policies, procedures, and guidelines must
33 ensure that decisions, when appropriate, are made in consultation with the affected
34 court and that decisions concerning acquisition, design, and construction of court
35 facilities are made in appropriate consultation with local governmental and
36 community interests.

37
38
39 **Rule 6.181. Operation and maintenance of court facilities**

40
41 (a) [Intent] The intent of this rule is to divide responsibility and decision making
42 between the courts and the Administrative Office of the Courts concerning the
43 operation and maintenance of court facilities.

1
2 **(b) [Responsibility of the Administrative Office of the Courts]**
3

4 (1) In addition to those matters expressly authorized by statute, the
5 Administrative Office of the Courts is responsible for the following:
6

7 (i) Taking action on the operation of court facilities, including, but
8 not limited to, the day-to-day operation of a building and
9 maintenance of a facility. The Administrative Office of the
10 Courts must, in cooperation with the court, perform its
11 responsibilities concerning operation of the court facility to
12 effectively and efficiently support the day-to-day operation of
13 the court system and services of the court. These actions
14 include, but are not limited to, maintaining proper heating,
15 ventilation, and air conditioning levels; providing functional
16 mechanical and plumbing systems through preventative
17 maintenance and responsive repairs; and safeguarding the
18 integrity of structural, non-structural, security and
19 telecommunications infrastructure.
20

21 (ii) Preparing and submitting budget allocation proposals to the
22 Judicial Council, as part of the yearly judicial branch budget
23 development cycle, specifying the amounts to be spent for the
24 operation of court facilities as provided in subparagraph (i)
25 above.
26

27 (iii) The development of policies, procedures, and guidelines
28 concerning court facilities for submission to the Judicial
29 Council.
30

31 (2) The Administrative Office of the Courts must consult with the affected
32 court concerning the annual operations and maintenance needs
33 assessment, development of annual priorities, and fiscal planning for the
34 operational and maintenance needs of court facilities.
35

36 (3) The Administrative Office of the Courts may, when appropriate, delegate
37 its responsibilities concerning the ongoing operation and management of
38 existing court facilities to the court for some or all court facilities used by
39 that court. Any delegation of responsibility must ensure that: (i) the
40 management of court facilities is consistent with the statewide goals and
41 policies of the judicial branch; (ii) access to all court facilities in
42 California is promoted; (iii) facilities decisions consider operational costs

1 and enhance economical, efficient, and effective court operations; and (iv)
2 courts have adequate and sufficient facilities.

- 3
4 (4) The Administrative Office of the Courts must, whenever feasible, seek
5 review and recommendations from the Court Facilities Transitional Task
6 Force prior to recommending action to the Judicial Council on appellate
7 and trial court facilities issues.

8
9 **(c) [Responsibility of the courts]**

- 10
11 (1) The affected court must consult with the Administrative Office of the
12 Courts concerning the annual operations and maintenance needs
13 assessment, development of annual priorities, and fiscal planning for the
14 operational and maintenance needs of court facilities.
- 15
16 (2) The court to which responsibility is delegated under subdivision (b)(3)
17 must report to the Administrative Office of the Courts, at least quarterly
18 or more often as provided in the delegation. The report must include
19 those activities and expenditures related to the delegation as specified for
20 reporting in the delegation. The court must also account to the
21 Administrative Office of the Courts for all expenditures related to the
22 delegation. The Administrative Office of the Courts may conduct an
23 internal audit of any receipts and expenditures.

24
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26 **Rule 6.182. Decision making on transfer of responsibility for trial court facilities**

- 27
28 (a) **[Intent]** The intent of this rule is to divide responsibility and decision making
29 among the Judicial Council, the trial courts, and the Administrative Office of
30 the Courts, concerning the transfer of responsibility for trial court facilities
31 from the counties to the Judicial Council.
- 32
33 (b) **[Definitions]** As used in this rule, the following terms have the same meaning
34 as provided by Government Code section 70301: (i) “court facilities;” (ii)
35 “maintenance;” (iii) “responsibility for facilities;” and (iv) “shared use.”
- 36
37 (c) **[Responsibility of the Judicial Council and the Executive and Planning**
38 **Committee]** The Judicial Council must determine the following issues
39 concerning transfer of responsibility of court facilities, except in the case of a
40 need for urgent action between meetings of the council, in which case the
41 Executive and Planning Committee is authorized to act under rule 6.11(d).
42

1 (1) Rejection of transfer of responsibility for a building under Government
2 Code section 70326; and

3
4 (2) A decision to dispose of a surplus court facility under Government Code
5 section 70391(c).

6
7 **(d) [Responsibility of the Administrative Office of the Courts]** The
8 Administrative Office of the Courts is responsible for the following matters
9 relating to transfer of responsibility of court facilities, in addition to those
10 matters expressly authorized by statute:

11
12 (1) Keeping the courts informed and involved, as appropriate, in the
13 negotiations with the counties for transfer of responsibility for court
14 facilities;

15
16 (2) Except as provided in (c)(1), approving of an agreement transferring
17 responsibility for a court facility to the state;

18
19 (3) Administering a shared-use court facility, including, but not limited to,
20 the following: (i) making a decision to displace a minority county tenant
21 under Government Code section 70344(b); (ii) seeking a change in the
22 amount of court space under Government Code section 70342; and (iii)
23 responding to the county seeking a change in the amount of county space
24 under Government Code section 70342;

25
26 (4) Auditing the collection of fees by the trial courts under Government Code
27 section 70391(d)(1) and the money in local Courthouse Construction
28 Funds under Government Code section 70391(d)(2).

29
30 **(e) [Appeal of county facilities payment amount]** The Administrative Director
31 of the Courts must obtain the approval of the Executive and Planning
32 Committee before pursuing correction of a county facilities payment amount
33 under Government Code section 70367. This provision does not preclude the
34 Administrative Director of the Courts from submitting a declaration as
35 required by Government Code section 70367(a). The Administrative Director
36 of the Courts must report to the Executive and Planning Committee any
37 decision not to appeal a county facilities payment amount.
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1
2 **Rule 6.183. Acquisition, construction, and design of court facilities**
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4 **(a) [Intent]** The intent of this rule is to divide responsibility and decision making
5 between the courts and the Administrative Office of the Courts concerning the
6 acquisition, construction, and design of court facilities.
7

8 **(b) [Responsibility of the Administrative Office of the Courts]**
9

10 (1) In addition to those matters expressly provided by statute, the
11 Administrative Office of the Courts is responsible for the acquisition,
12 construction, and design of a court facility, consistent with the facilities
13 policies and procedures adopted by the Judicial Council and the Rules of
14 Court.
15

16 (2) The Administrative Office of the Courts must prepare and submit separate
17 annual capital outlay proposals for the appellate and the trial courts to the
18 Judicial Council, as part of the yearly judicial branch budget development
19 cycle, specifying the amounts to be spent for these purposes. The capital
20 outlay proposal for the trial courts must indicate what money is proposed
21 to be spent from the State Courthouse Construction Fund and what money
22 is proposed to be spent from other sources. The annual capital outlay
23 proposals must be consistent with the Five-Year Capital Infrastructure
24 Plan or must recommend appropriate changes in the Five-Year Capital
25 Infrastructure Plan. The Administrative Office of the Courts must,
26 whenever feasible, seek review and recommendations from the Court
27 Facilities Transitional Task Force prior to recommending action to the
28 Judicial Council on these issues.
29

30 (3) The Administrative Office of the Courts must consult with the affected
31 court concerning the annual capital needs of the courts.
32

33 **(c) [Responsibility of the courts]**
34

35 (1) The affected court must consult with the Administrative Office of the
36 Courts concerning the annual capital needs of the courts.
37

38 (2) The affected court must work with the advisory group established for any
39 court construction or major renovation project affecting the court
40 concerning the needs of the court in that project.
41

42 **(d) [Advisory group for construction projects]** The Administrative Office of the
43 Courts, in consultation with the leadership of the court, must establish and

1 work with an advisory group for each court construction or major renovation
2 project. The advisory group consists of court judicial officers, other court
3 personnel, and others affected by the court facility. The advisory group must
4 work with the Administrative Office of the Courts on issues involved in the
5 construction or renovation beginning with the selection of an architect through
6 occupancy of the facility.
7

Rules 6.150 of the California Rules of Court would be amended, effective immediately to read:

Rule 6.150. Court facilities guidelines

(a)-(b) * * *

(c) ~~[Duties of courts]~~ **Use of Guidelines** The Judicial Council, the Administrative Office of the Courts, affected courts, and advisory groups on court facilities issues created under these rules must use the guidelines adopted under (b) in reviewing or recommending proposed alteration, remodeling, renovation, and expansion of existing court facilities or new construction. Courts and advisory groups must report deviations from the guidelines ~~must be reported~~ to the Administrative Office of the Courts through a process established for that purpose.